

Congress of the United States
Washington, DC 20515

September 22, 2014

Honorable Anthony Foxx
Secretary
Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

1030

Honorable Jeh Johnson
Secretary
Department of Homeland Security
Washington, D.C. 20528

Honorable Eric Holder
Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-2001

Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Dear Honorable Foxx, Johnson, Holder, and Wheeler:

While continually emerging wireless technologies bring many benefits to society, there are significant concerns about the safety, security and comfort implications of potential voice and wireless technology use on commercial aircraft. We urge you to continue the ban on voice calls on all commercial aircraft, and believe that your agencies must also work collaboratively to address safety and security concerns raised by the potential introduction of other wireless capabilities before they are permitted in-flight. While we support advancements in technology that have provided airline passengers with the ability to conduct business, communicate with family or choose their own entertainment options, we believe that a multi-agency, comprehensive analysis should be undertaken to address any potential risks so as to ensure passengers and crewmember safety.

We are extremely concerned that the Federal Communications Commission (FCC) has offered a proposal to allow the use of wireless communication devices on commercial flights that does not fully address these safety and security issues, nor does it seem coordinated with your other agencies which have a role in assessing flight safety issues. At the same time, the Department of Transportation has only sought comments on whether allowing in-flight voice calls would be

disruptive and unfair to passengers, for which the agency intends to issue a rulemaking to address the issue by year's end.

Passengers making voice calls during flight could impact the ability of crewmembers – flight attendants and pilots – to perform their jobs, keep passengers safe and the cabin environment calm. Arguments in an aircraft cabin already start over mundane issues, like seat selection, reclining seats and overhead bin space, and the volume and pervasiveness of voice communications would only serve to exacerbate and escalate these disputes. The nature of an aircraft cabin would make it impossible for passengers to remove themselves from loud or unwanted conversations and disputes may ensue. Instead of focusing on required safety-related tasks, flight attendants may be forced to intervene in or mediate disputes between passengers on appropriate content and volume of voice calls, thus distracting their attention from other passengers and job responsibilities. Additionally, when noise and distraction levels rise because of talking passengers, the ability to hear important safety announcements, either from the cockpit or cabin, will be impaired and crucial information may be missed. Given these potential dangers, further study is needed to fully assess the safety and security issues that may stem from allowing voice communications on aircraft.

The use of wireless communication devices should also be subject to a multi-agency review to inquire upon possible safety or security effects to the aircraft or flight. Concerns have been expressed that wireless technologies can cause radio interference, can be used to tamper with avionics or flight controls, or could be used to interfere with other passengers devices. The potential also exists for wireless devices to be used to hide or trigger on-board explosives. The lessons of the 9/11 terrorist attacks dictated that federal regulators work together to stop vulnerabilities before they can be exploited. We believe it is prudent for your agencies to engage in such a multi-agency review before wireless technologies are more broadly permitted for use on commercial aircraft.

Finally, federal regulators must ensure that an Airborne Access System capable of providing broadband access will not cause interference with aircraft operating systems. As access to in-flight broadband becomes more common, efforts will be made to provide stronger connectivity in order to allow passengers greater access to over-the-top communications and streaming media. While this innovation is laudable, it is not without risk. There are similar concerns about passenger comfort and the potential for disputes, as well as the possibility that enhanced connectivity could be used illicitly to override or interfere with flight control systems. Accordingly, efforts must be made to assess and eliminate the security and safety risks that may arise as broadband equipment is upgraded on commercial flights.

The various concerns raised above fall in the jurisdictions of various agencies. We believe it would be shortsighted and potentially harmful for each of your agencies to strictly analyze this issue based on specific jurisdictional guidelines, as it appears the FCC and DOT have currently done. By working together, the government can fully assess the comprehensive impact these proposals would have on passengers and crewmembers, as well as the safety and security of U.S. aviation.


In light of these serious concerns, we respectfully urge your departments and agency to continue the ban on voice calls and to work collaboratively to ensure that these issues and all other potential ramifications are fully addressed.

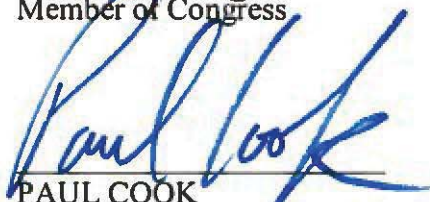
Sincerely,


DAVID B. MCKINLEY, P.E.
Member of Congress

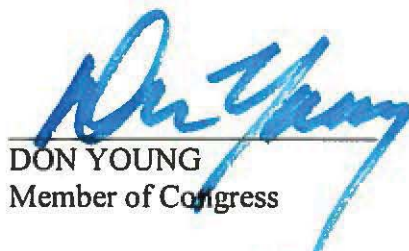

DAN LIPINSKI
Member of Congress


WALTER JONES
Member of Congress


RAUL GRIJALVA
Member of Congress


PAUL COOK
Member of Congress


MICHAEL CAPUANO
Member of Congress


DON YOUNG
Member of Congress


GENE GREEN
Member of Congress


DAVID JOYCE
Member of Congress



EDDIE BERNICE JOHNSON
Member of Congress


PATRICK MEEHAN
Member of Congress



PETER DEFAZIO
Member of Congress


BILL JOHNSON
Member of Congress


KATHERINE CLARK
Member of Congress


FRANK LoBIONDO
Member of Congress


ERIC SWALWELL
Member of Congress


REID RIBBLE
Member of Congress


BETO O'ROURKE
Member of Congress


ADAM KINZINGER
Member of Congress


GRACE NAPOLITANO
Member of Congress


RODNEY DAVIS
Member of Congress


ALBIO SIRES
Member of Congress


LOU BARLETTA
Member of Congress


ELEANOR HOLMES NORTON
Member of Congress


MICHAEL GRIMM
Member of Congress


MIKE HONDA
Member of Congress


CHARLES RANGEL
Member of Congress


LUCILLE ROYBAL-ALLARD
Member of Congress



LOIS FRANKEL
Member of Congress


JIM COSTA
Member of Congress

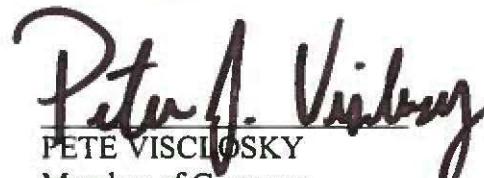

JACKIE SPEIER
Member of Congress


ANDRÉ CARSON
Member of Congress


KEITH ELLISON
Member of Congress


SANDER LEVIN
Member of Congress


ELIZABETH H. ESTY
Member of Congress

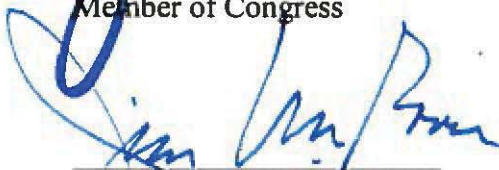

PETE VISCIOSKY
Member of Congress



ALAN LOWENTHAL
Member of Congress



BOB BRADY
Member of Congress



JAN SCHAKOWSKY
Member of Congress


SAM FARR
Member of Congress


JAMES P. McGOVERN
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STEVE COHEN
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ED PERLMUTTER
Member of Congress


JIM McDERMOTT
Member of Congress



DINA TITUS
Member of Congress



TULSI GABBARD
Member of Congress



HENRY C. "HANK" JOHNSON
Member of Congress



TIMOTHY BISHOP
Member of Congress



NICK J. RAHALL, II
Member of Congress



RICK NOLAN
Member of Congress



RICK LARSEN
Member of Congress



PAUL TONKO
Member of Congress



EARL BLUMENAUER
Member of Congress



MARK POCAN
Member of Congress



BARBARA LEE
Member of Congress



DONNA F. EDWARDS
Member of Congress



STEPHEN F. LYNCH
Member of Congress



DEBBIE WASSERMAN SCHULTZ
Member of Congress



DEREK KILMER
Member of Congress



STEVE ISRAEL
Member of Congress



ALCEE L. HASTINGS
Member of Congress



HAKEEM JEFFRIES
Member of Congress



JOHN CONYERS
Member of Congress



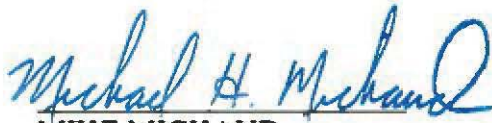
LUIS V. GUTIERREZ
Member of Congress



ANN KIRKPATRICK
Member of Congress



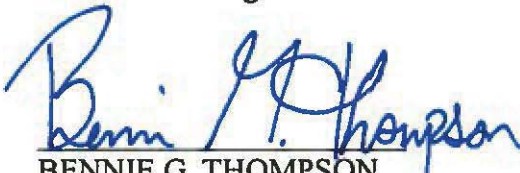
CAROL SHEA-PORTER
Member of Congress



MIKE MICHAUD
Member of Congress



JOHN GARAMENDI
Member of Congress



BENNIE G. THOMPSON
Member of Congress



MAXINE WATERS
Member of Congress



MIKE QUIGLEY
Member of Congress



BILL PASCRELL, Jr.
Member of Congress



JULIA BROWNLEY
Member of Congress



JANICE HAHN
Member of Congress



CHRIS GIBSON
Member of Congress



CORRINE BROWN
Member of Congress



JERROLD NADLER
Member of Congress



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 31, 2014

The Honorable Lou Barletta
U.S. House of Representatives
115 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Barletta:

Thank you for your letter expressing concern about the safety, security, and comfort implications of the potential for passengers to use mobile voice and wireless communications technology on commercial aircraft. I share your concerns and will not present a final recommendation regarding this issue to my fellow Commissioners until these issues are fully addressed in a collaborative fashion with other appropriate federal agencies. Your views are very important and will be included in the record of that proceeding and considered as part of the Federal Communications Commission's (FCC) review.

The FCC approved a *Notice of Proposed Rulemaking (NPRM)* on December 12, 2013, to consider whether advances in technology no longer warrant – on a technological basis – the prohibition of in-flight mobile wireless services due to concerns about potential interference with terrestrial networks. The *NPRM* represents only the beginning of a process to consider carefully whether and how we should revise our rules to give airlines the ability to allow passengers to use mobile wireless services while flying above 10,000 feet.

Under the proposed rules, there would be several steps required before mobile wireless services could be used aloft: (1) the aircraft would need to seek FCC authorization to utilize the technology that captures a signal and keeps it on the plane so that it does not interfere with terrestrial networks (it is this interference that is the basis of the current prohibition – and if such interference can be eliminated by new onboard technology, the basis for the existing rule is removed); (2) the airline would have to take affirmative steps, beyond the FCC rules, to comply with the requirements of the Federal Aviation Administration (FAA), Department of Transportation (DOT), and any other federal agency asserting jurisdiction; and (3) the airline's own policies would have to be followed.

The *NPRM* makes clear that nothing in the proposal would limit the ability of airlines to ban wireless voice conversations in-flight. For example, an airline could choose not to offer voice service at all but provide only data communications so that passengers could engage in data-focused activities, such as accessing websites, sending and receiving text messages and e-mail, or utilizing social media to stay connected to friends and family. As you know, many airlines offer similar services using Wi-Fi today.

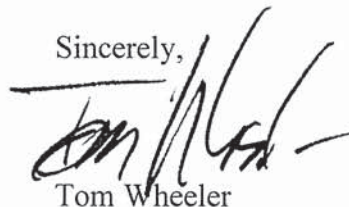
We are in complete agreement on the importance of safety and security aloft, and issued the *NPRM* only after consulting with the relevant federal safety, security and regulatory agencies. In addition, since the purpose of an *NPRM* is to gather facts, we have created a formal input process to examine safety and security matters. This includes a federal multi-stakeholder working group that FCC staff convened to consider national security and safety-related matters related to in-flight wireless services. The working group includes subject matter experts from the DOT, Department of Homeland Security (DHS), Department of Justice (DOJ), and other relevant federal agencies. We will continue to coordinate, solicit input, and seek guidance from our federal counterparts on this working group.

We are separately coordinating with the DOT as it appropriately examines whether to ban voice calls aboard aircraft. On March 24, 2014, I wrote Secretary Foxx with a formal submission in the DOT's *Advanced Notice of Proposed Rulemaking (ANPRM)* with respect to the use of cell phones and other mobile devices on aircraft. In the letter, I stated that I, along with several of my colleagues, have expressed concern about use of mobile wireless devices for in-flight voice communications. I stated my support of the overwhelming number of commenters to the FCC's *NPRM* who believe that allowing voice communications on aircraft will be inordinately disruptive to their flying experiences. As a frequent airline passenger, I share this concern and do not want the disruption that could be caused by voice calls on planes.

As the Commission moves forward with our rulemaking proceeding, we will continue to work collaboratively with the federal agencies with appropriate jurisdiction and expertise to help shape policies and rules that best serve the public interest. As I stated previously, the *NPRM* is the beginning of a fact-gathering process, and the views you have shared will be included as part of that process.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", with a long horizontal line extending to the right.

Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 31, 2014

The Honorable Timothy Bishop
U.S. House of Representatives
306 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Bishop:

Thank you for your letter expressing concern about the safety, security, and comfort implications of the potential for passengers to use mobile voice and wireless communications technology on commercial aircraft. I share your concerns and will not present a final recommendation regarding this issue to my fellow Commissioners until these issues are fully addressed in a collaborative fashion with other appropriate federal agencies. Your views are very important and will be included in the record of that proceeding and considered as part of the Federal Communications Commission's (FCC) review.

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Under the proposed rules, there would be several steps required before mobile wireless services could be used aloft: (1) the aircraft would need to seek FCC authorization to utilize the technology that captures a signal and keeps it on the plane so that it does not interfere with terrestrial networks (it is this interference that is the basis of the current prohibition – and if such interference can be eliminated by new onboard technology, the basis for the existing rule is removed); (2) the airline would have to take affirmative steps, beyond the FCC rules, to comply with the requirements of the Federal Aviation Administration (FAA), Department of Transportation (DOT), and any other federal agency asserting jurisdiction; and (3) the airline's own policies would have to be followed.

The *NPRM* makes clear that nothing in the proposal would limit the ability of airlines to ban wireless voice conversations in-flight. For example, an airline could choose not to offer voice service at all but provide only data communications so that passengers could engage in data-focused activities, such as accessing websites, sending and receiving text messages and e-mail, or utilizing social media to stay connected to friends and family. As you know, many airlines offer similar services using Wi-Fi today.

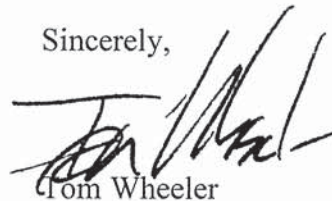
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As the Commission moves forward with our rulemaking proceeding, we will continue to work collaboratively with the federal agencies with appropriate jurisdiction and expertise to help shape policies and rules that best serve the public interest. As I stated previously, the *NPRM* is the beginning of a fact-gathering process, and the views you have shared will be included as part of that process.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

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Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 31, 2014

The Honorable Earl Blumenauer
U.S. House of Representatives
1111 Longworth House Office Building
Washington, D.C. 20515

Dear Representative Blumenauer:

Thank you for your letter expressing concern about the safety, security, and comfort implications of the potential for passengers to use mobile voice and wireless communications technology on commercial aircraft. I share your concerns and will not present a final recommendation regarding this issue to my fellow Commissioners until these issues are fully addressed in a collaborative fashion with other appropriate federal agencies. Your views are very important and will be included in the record of that proceeding and considered as part of the Federal Communications Commission's (FCC) review.

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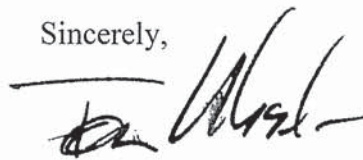
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Sincerely,

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Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 31, 2014

The Honorable Robert Brady
U.S. House of Representatives
102 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Brady:

Thank you for your letter expressing concern about the safety, security, and comfort implications of the potential for passengers to use mobile voice and wireless communications technology on commercial aircraft. I share your concerns and will not present a final recommendation regarding this issue to my fellow Commissioners until these issues are fully addressed in a collaborative fashion with other appropriate federal agencies. Your views are very important and will be included in the record of that proceeding and considered as part of the Federal Communications Commission's (FCC) review.

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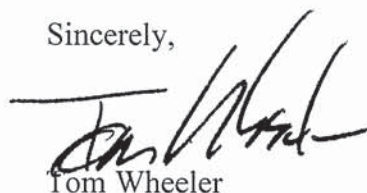
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Sincerely,

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Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 31, 2014

The Honorable Corrine Brown
U.S. House of Representatives
2111 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Brown:

Thank you for your letter expressing concern about the safety, security, and comfort implications of the potential for passengers to use mobile voice and wireless communications technology on commercial aircraft. I share your concerns and will not present a final recommendation regarding this issue to my fellow Commissioners until these issues are fully addressed in a collaborative fashion with other appropriate federal agencies. Your views are very important and will be included in the record of that proceeding and considered as part of the Federal Communications Commission's (FCC) review.

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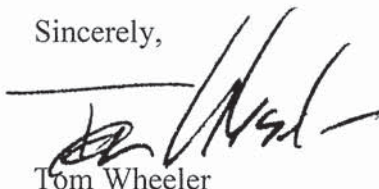
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Sincerely,

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Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 31, 2014

The Honorable Julia Brownley
U.S. House of Representatives
1019 Longworth House Office Building
Washington, D.C. 20515

Dear Representative Brownley:

Thank you for your letter expressing concern about the safety, security, and comfort implications of the potential for passengers to use mobile voice and wireless communications technology on commercial aircraft. I share your concerns and will not present a final recommendation regarding this issue to my fellow Commissioners until these issues are fully addressed in a collaborative fashion with other appropriate federal agencies. Your views are very important and will be included in the record of that proceeding and considered as part of the Federal Communications Commission's (FCC) review.

The FCC approved a *Notice of Proposed Rulemaking (NPRM)* on December 12, 2013, to consider whether advances in technology no longer warrant – on a technological basis – the prohibition of in-flight mobile wireless services due to concerns about potential interference with terrestrial networks. The *NPRM* represents only the beginning of a process to consider carefully whether and how we should revise our rules to give airlines the ability to allow passengers to use mobile wireless services while flying above 10,000 feet.

Under the proposed rules, there would be several steps required before mobile wireless services could be used aloft: (1) the aircraft would need to seek FCC authorization to utilize the technology that captures a signal and keeps it on the plane so that it does not interfere with terrestrial networks (it is this interference that is the basis of the current prohibition – and if such interference can be eliminated by new onboard technology, the basis for the existing rule is removed); (2) the airline would have to take affirmative steps, beyond the FCC rules, to comply with the requirements of the Federal Aviation Administration (FAA), Department of Transportation (DOT), and any other federal agency asserting jurisdiction; and (3) the airline's own policies would have to be followed.

The *NPRM* makes clear that nothing in the proposal would limit the ability of airlines to ban wireless voice conversations in-flight. For example, an airline could choose not to offer voice service at all but provide only data communications so that passengers could engage in data-focused activities, such as accessing websites, sending and receiving text messages and e-mail, or utilizing social media to stay connected to friends and family. As you know, many airlines offer similar services using Wi-Fi today.

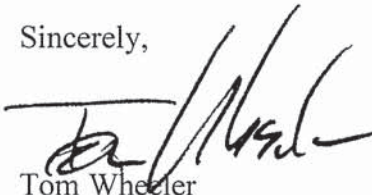
We are in complete agreement on the importance of safety and security aloft, and issued the *NPRM* only after consulting with the relevant federal safety, security and regulatory agencies. In addition, since the purpose of an *NPRM* is to gather facts, we have created a formal input process to examine safety and security matters. This includes a federal multi-stakeholder working group that FCC staff convened to consider national security and safety-related matters related to in-flight wireless services. The working group includes subject matter experts from the DOT, Department of Homeland Security (DHS), Department of Justice (DOJ), and other relevant federal agencies. We will continue to coordinate, solicit input, and seek guidance from our federal counterparts on this working group.

We are separately coordinating with the DOT as it appropriately examines whether to ban voice calls aboard aircraft. On March 24, 2014, I wrote Secretary Foxx with a formal submission in the DOT's *Advanced Notice of Proposed Rulemaking (ANPRM)* with respect to the use of cell phones and other mobile devices on aircraft. In the letter, I stated that I, along with several of my colleagues, have expressed concern about use of mobile wireless devices for in-flight voice communications. I stated my support of the overwhelming number of commenters to the FCC's *NPRM* who believe that allowing voice communications on aircraft will be inordinately disruptive to their flying experiences. As a frequent airline passenger, I share this concern and do not want the disruption that could be caused by voice calls on planes.

As the Commission moves forward with our rulemaking proceeding, we will continue to work collaboratively with the federal agencies with appropriate jurisdiction and expertise to help shape policies and rules that best serve the public interest. As I stated previously, the *NPRM* is the beginning of a fact-gathering process, and the views you have shared will be included as part of that process.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", with a stylized flourish extending from the end.

Tom Wheeler